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RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0143  
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S E C R E T SECTION 01 OF 02 DAMASCUS 000863

SIPDIS

DEPARTMENT FOR NEA/FO, NEA/ELA, L  
NSC FOR SHAPIRO/MCDERMOTT  
PARIS FOR NOBLES  
LONDON FOR LORD

E.O. 12958: DECL: 12/15/2029

TAGS: [KJUS](#) [PREL](#) [UNCRIME](#) [LE](#) [SY](#)

SUBJECT: SYRIA LOOKING FOR PRODUCTIVE HARIRI VISIT,  
REPORTEDLY PUTS HOSTILE LAWSUIT AGAINST LEBANESE ON BACK  
BURNER

REF: BEIRUT 1318

Classified By: CDA Charles Hunter for reasons 1.4 b and d.

¶1. (C) Summary: Jamil as-Sayyed's early December lawsuit in a Syrian court against some 23 Lebanese citizens and three Syrians provided a chilling reminder of Syria's potential response to any future indictments by the Special Tribunal for Lebanon (STL) against Syrian officials or their Lebanese allies. But, for now, the Syrian government appears intent on putting the charges aside in order to facilitate a positive visit by Lebanese PM Saad Hariri. Bouthaina Shaaban, in response to a question from an al-Manar journalist during a December 4 press conference held on the same day as Michel Aoun's visit to Damascus, insisted there was no political content to the case, and that the matter was in the hands of Syria's "independent judiciary." Arab diplomats tell us they have heard President Asad has decided that the lawsuit would not be conducive to a fruitful visit by Hariri and has ordered the case to be put on a back burner. The investigative judge who admitted the case has yet to decide, however, whether the court has jurisdiction over the matter and may not do so for at least another week or two. End Summary.

¶2. (C) Most Syrians to whom we've spoken describe the case as "bizarre." Contacts in the Syrian legal community tell us the investigative judge had the legal authority to admit the case because the lawsuit named Syrian as well as Lebanese defendants (such as former VP Khaddam, Souheir Saddiq, and Housam Housam). As reported reftel, the investigative judge apparently issued a summons for some 23 Lebanese to appear for questioning, in part to help decide whether the court would have jurisdiction. The judge first routed the summons through the Syrian MOJ directly to the Lebanese MOJ, citing a 1951 legal cooperation agreement between the two countries. When the SARG received no response, it sent the file a second time through the Syrian MFA to the Syrian Embassy in Beirut, to the Lebanese MFA, and then to the Lebanese MOJ, where the

request now sits while Lebanese officials determine how to proceed. If the Lebanese Attorney General refuses to administer the "warrants," no one here is quite sure what would happen next.

¶3. (C) Theories abound about Syrian motives. The most straightforward explanation is the Syrians want to bolster as-Sayyed's claims of wrongful accusations to undercut the STL's credibility and deter any future STL indictments against Syrian officials or their Lebanese allies. The Syrians, who attached the transcript of as-Sayyed's angry August 30 press conference to a September letter to the UNSYG denouncing the UNIIIC, may have coordinated with as-Sayyid to time the lawsuit with the December 2 arrival of STL Prosecutor Daniel Bellemare in Beirut.

¶4. (C) After the Lebanese press began to report concerned Lebanese reactions to the case, Syrian officials sought to downplay its political significance. Bouthaina Shaaban, answering what appeared to be a planted question from an al-Manar journalist during a December 4 press conference (the same day as Michel Aoun's visit to Damascus), insisted there was no political content to the case, and that the matter was in the hands of Syria's "independent judiciary."

¶5. (C) A Lebanese Embassy contact notes the case caused problems in planning PM Hariri's visit to Syria. Now, however, the Lebanese Embassy here assesses Asad has decided to put as-Sayyid's case on the back burner to pave the way for a positive Hariri visit. According to the Lebanese

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Embassy, Bashar wants a more intimate setting without a lot of staff and is looking to limit the size of Hariri's visiting party to play up the optic of personal ties between the two leaders. Asad, according to other Arab diplomats, very much wants Hariri to visit Syria prior to any trips to the U.S. or France. Hariri's scheduled visit to Copenhagen appears to cause no heartburn here, but the Syrians reportedly are insistent that Damascus should be the next stop on Hariri's itinerary.

¶6. (C) Though the Syrian investigative judge has still not decided whether he has jurisdiction and may not do so for at least another week or two, the mood remains positive after delegations representing Hariri and Sleiman delivered condolences and good wishes on December 14 to Asad, who is mourning the death of his brother Majd this week in the Asad family's home village of Qurdaja. The Lebanese Embassy reports Asad may be using Saudi King Abdullah's son Abdel Aziz, who was also in Syria to deliver condolences, as a direct conduit to Hariri. Turkish FM Davutoglu, in town for the Turkish-Arab Forum, is also a likely player in trying broker the modalities for Hariri's visit. The final details of Hariri's visit remain in flux, but the outlook for a constructive visit is "shaping up well," according to Lebanese DCM Rami Murtada. The timing, participants, and other modalities, however, remain to be resolved.  
HUNTER